

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

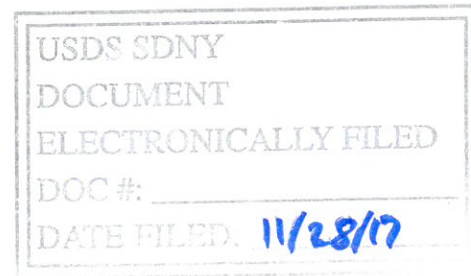
AKILAH HUGHES,

Plaintiff,

-v-

CARL BENJAMIN a/k/a Sargon of Akkad *et al.*,

Defendants.



No. 17-cv-6493 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

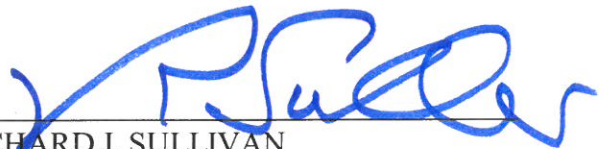
Plaintiff initiated this copyright infringement action on August 25, 2017 with the filing of the complaint. (Doc. No. 1.) On September 9, 2017, the Clerk of Court mailed the complaint and other materials to Defendant in the United Kingdom by way of Federal Express. (Doc. No. 7.) On October 11, 2017, the Clerk of Court issued a certificate of default as to Defendant (Doc. No. 9), but Plaintiff did not take further steps in seeking a default judgment from the Court. On November 24, 2017, the Court received a premotion letter from Plaintiff in anticipation of a motion to allow service by email pursuant to Federal Rule of Civil Procedure 4(f)(3). (Doc. No. 10.) Service by email is supposedly necessary because Defendant contests the propriety of mailed service and refuses to provide his home address.

A premotion conference will not be necessary in advance of Plaintiff making his Rule 4(f)(3) motion. Rather, IT IS HEREBY ORDERED THAT Plaintiff shall submit a letter motion to the Court, no later than December 5, 2017, that justifies the use of email service pursuant to Rule 4(f)(3). In this motion, Plaintiff should specify the email address at which he plans to serve Defendant Carl Benjamin, Plaintiff's basis for believing that email address belongs to Defendant, and the extent and context of Defendant's use of that email address. *See, e.g., AMTO, LLC v.*

*Bedford Asset Mgmt, LLC*, No. 14-cv-9913, 2015 WL 3457452, at \*8 (S.D.N.Y. June 1, 2015) (establishing factors courts consider in determining whether service by email will provide defendants with proper notice).

SO ORDERED.

Dated: November 28, 2017  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE